

1 Add 2 Cal. Code Regs. section 18746.3 to read:

2 **§ 18746.3. Revolving Door; Local Officials.**

3 (a) The prohibitions of Government Code section 87406.3 apply to a public
4 official who, on or after July 1, 2006, holds a position as a:

5 (1) Local elected official;

6 (2) Chief administrative officer of a county;

7 (3) City manager, including the chief administrator of a city; or

8 (4) General manager or chief administrator of a special district who holds a
9 position with a local government agency as defined by Government Code section 82041,
10 including the general manager or chief administrator of an air pollution control district or
11 air quality control district.

12 (b) A public official covered by subdivision (a) of this regulation is prohibited
13 from making any appearance or communication if all of the following apply:

14 (1) The official has left his or her local government office or employment, which
15 means he or she has either permanently left local government service or is on a leave of
16 absence.

17 (2) The appearance or communication is made within 12 months after leaving
18 local government office or employment.

19 (3) The public official is compensated, or promised compensation, for the
20 appearance or communication. For purposes of Government Code section 87406.3, a
21 payment made for necessary travel, meals, and accommodations received directly in
22 connection with voluntary services is not considered compensation.

1 (4) The appearance or communication is made on behalf of any person as an
2 agent, attorney, or representative of that person. An appearance or communication made
3 by a public official to represent his or her personal interests, as defined in 2 Cal. Code
4 Regs. section 18702.4, subdivision (b)(1), is not prohibited or limited by this section
5 unless the appearance or communication is made in a quasi-judicial proceeding, as
6 defined in subsection (b)(5)(C) of this regulation, in which the official participated while
7 serving as a local government employee or officer.

8 (5) The appearance or communication is made for the purpose of influencing, as
9 defined in 2 Cal. Code Regs. section 18746.2, any legislative or administrative action, or
10 any discretionary act involving the issuance, amending, awarding, or revocation of a
11 permit, license, grant, or contract, or the sale or purchase of goods or property.
12 Notwithstanding Government Code sections 82002 and 82037, for purposes of
13 Government Code section 87406.3, the following definitions apply:

14 (A) “Administrative action,” as defined in Government Code section
15 87406.3(d)(1), means the proposal, drafting, development, consideration, amendment,
16 enactment, or defeat by any local government agency of any matter, including any rule,
17 regulation, or other action in any regulatory proceeding including a ratemaking
18 proceeding, whether quasi-legislative or quasi-judicial. “Administrative action” does not
19 include any action that is solely ministerial.

20 (B) “Quasi-legislative” means any proceeding involving the adoption of rules of
21 general applicability, including but not limited to annexations of territory to a city or
22 district, adoption or amendment of zoning ordinances, adoption of regulations, or
23 granting of franchises.

1 (C) “Quasi-judicial” means any proceeding that determines the rights of specific
2 parties, or applies existing laws to specific situations, including but not limited to any
3 proceedings to issue or revoke licenses, building permits, zoning variances, conditional
4 use permits, parcel and subdivision maps, or coastal development permits.

5 (D) “Legislative action,” as defined in Government Code section 87406.3(d)(2),
6 means the drafting, introduction, modification, enactment, defeat, approval, or veto of
7 any ordinance, amendment, resolution, report, nomination, or other matter by the
8 legislative body of a local government agency or by any committee or subcommittee
9 thereof, or by a member or employee of the legislative body of the local government
10 agency acting in his or her official capacity.

11 (6) The appearance or communication is made before any officer or employee of
12 any of the following:

13 (A) Any local government agency, including any officer or employee of any
14 committee, subcommittee, or present member of that local government agency, that the
15 public official worked for or represented during the 12 months before leaving his or her
16 office or employment. An employee loaned to a local government agency is deemed to
17 have worked for or represented that agency.

18 (B) Any local government agency whose budget, personnel, and other operations
19 are subject to the direction and control of any agency described in subsection (b)(6)(A) of
20 this regulation.

21 (c) The prohibitions of Government Code section 87406.3 and this regulation do
22 not apply to any individual who, at the time of the appearance or communication, was a
23 board member, officer, or employee of another local government agency or an employee

1 or representative of a public agency and is appearing or communicating on behalf of that
2 agency.

3 NOTE: Authority cited: Section 83112, Government Code.

4 Reference: Section 87406.3, Government Code.